

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PRISON LEGAL NEWS,	§	
PLAINTIFF	§	
	§	
v.	§	CIVIL ACTION NO. 2:12-cv-699
	§	
ANTHONY BETTERTON, individually	§	
and in his official capacity as Sheriff of	§	
Upshur County; JILL MCCOY,	§	
individually and in her official capacity as	§	
Lieutenant of Upshur County Jail, and	§	
UPSHUR COUNTY,	§	
DEFENDANTS	§	

**ORDER ON MOTION FOR PRELIMINARY INJUNCTION**

The Court, having considered the arguments and briefing presented by the parties, finds:

1. Plaintiff Prison Legal News (“PLN”) is substantially likely to prevail on the merits of its complaint.
2. PLN is threatened with irreparable injury if a preliminary injunction is not granted to prevent the infringement of its rights.
3. The injury with which PLN is threatened outweighs the harm posed to Defendants from a preliminary injunction.
4. Granting PLN a preliminary injunction will not disserve the public interest.

Therefore, the Court hereby GRANTS PLN’s motion for preliminary injunction, and orders that neither the Defendants, nor their agents, may withhold any book, magazine, or other publication sent by PLN to an inmate in the Upshur County jail from the date of this order until the final judgment in this case, without then immediately:

1. Providing PLN notice that Defendants have withheld a publication sent by PLN from its intended recipient;
2. Providing PLN an explanation for Defendants’ decision to withhold that publication;

3. Providing PLN an opportunity to examine any evidence Defendants relied on in making that decision;
4. Providing PLN the opportunity to appeal to the Sheriff of Upshur County, or his designee, in writing, with a deadline no sooner than 30 calendar days following the date Defendants notified PLN of its decision; and
5. Providing PLN a written explanation for the Sheriff or designees's ruling on PLN's appeal, within 10 business days after the Sheriff's receipt of PLN's written appeal.

It is so ordered.

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